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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 HECTOR HERNANDEZ, an individual,
13 Plaintiff,

14 v.

15 MORTGAGE ELECTRONIC
16 REGISTRATION SYSTEMS, INC.;
17 FLAGSTAR BANK, FSB; PRIME SHARE
18 MORTGAGE, INC.; DOE INDIVIDUALS 1
19 through 10; and ROE CORPORATIONS
20 AND ORGANIZATIONS 1 through 10,
21 inclusive,

22 Defendants.

Case No. C 09-01885 MHP

**JOINT STIPULATION REGARDING
THE COURT'S DEADLINES RELATED
TO THE AUGUST 10, 2009 INITIAL
CASE MANAGEMENT CONFERENCE
AND POTENTIAL RESOLUTION OF
PENDING CLAIMS**

Date: August 10, 2009
Time: 4:00 p.m.
Judge: The Hon. Marilyn H. Patel
Ctm.: 15

Date Comp. Filed: December 3, 2008

1 Plaintiff Hector Hernandez ("Hernandez") and defendant Flagstar Bank, FSB
2 ("Flagstar"), by and through their respective counsel of record, hereby declare and stipulate as
3 follows:

4 WHEREAS, on December 3, 2008, Hernandez filed a complaint in the Superior Court of
5 the State of California for the County of Alameda, captioned *Hernandez v. Mortgage Electronic*
6 *Registration Systems, Inc.*, civil action number RG08423318;

7 WHEREAS, on March 31, 2009, Flagstar accepted service of the summons and
8 complaint in the state court action;

9 WHEREAS, on April 30, 2009, Flagstar removed the action to this Court;

10 WHEREAS, pursuant to the Court's Order Setting Initial Case Management Conference
11 and ADR Deadlines, counsel for Flagstar and counsel for Hernandez met and conferred on July
12 20, 2009 regarding initial disclosures, early settlement, ADR process selection, discovery plan,
13 the Rule 25(f) Report, and the Case Management Statement;

14 WHEREAS, Flagstar and Hernandez have reached an agreement regarding a mutual
15 release of claims, which agreement, when finalized, will terminate this action;

16 WHEREAS, the parties are in process of finalizing this agreement and expect it to be
17 finalized by or before Wednesday, August 5, 2009;

18 WHEREAS, upon finalizing of the agreement, the parties expect that this action will be
19 dismissed; and

20 WHEREAS, this Court's Order Setting Initial Case Management Conference and ADR
21 Deadlines states that the parties must file their Rule 26(f) Report and Case Management
22 Statement on or before August 3, 2009 and must complete initial disclosures on or before August
23 3, 2009;

24 **ACCORDINGLY, THE PARTIES STIPULATE AS FOLLOWS:**

25 1. Plaintiff Hernandez and Defendant Flagstar jointly stipulate to the Court that both
26 parties' intent is to resolve this matter by or before August 5, 2009, and that such resolution
27 would result in an immediate dismissal of the action and would moot the need for the currently
28 scheduled Initial Case Management Conference on August 10, 2009.

2. Moreover, Plaintiff Hernandez and Defendant Flagstar jointly request permission from the Court to file the required Rule 26(f) Report and Case Management Statement on or before August 6, 2009, in the event that resolution of the matter is not reached, despite the parties' current intent and expectations.

3. Finally, Plaintiff Hernandez and Defendant Flagstar stipulate that both parties will produce their initial disclosures on or before August 6, 2009, in the event that resolution of the matter is not reached by or before August 5, 2009, despite the parties' current intent and expectations.

IT IS SO STIPULATED.

Dated: August 3, 2009

By: *Seth L. Hanson*

SETH L. HANSON
Attorneys for Plaintiff
HECTOR HERNANDEZ

Dated: August 3, 2009

KEKER & VAN NEST LLP

By: *Jo W. Golub*

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